

State of Hawaii  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Division of Boating and Ocean Recreation  
333 Queen Street  
Honolulu, Hawaii 96813  
March 10, 2006

BORCCH-06-02

**Board of Land and  
Natural Resources  
State of Hawaii  
Honolulu, HI**

**REGARDING:** Request for a Contested Case Hearing, Waiver of requirement of Oral Request for Contested Case Hearing, and Delegation of authority to appoint and select a Hearing Officer to Conduct Contested Case Hearing.

**SUBJECT PETITIONS:** Docket No. BORCCH-06-02  
In the matter of a Request for a Contested Case Petition  
In connection with Item J-2 on the Agenda for Board of  
Land and Natural Resources meeting held on  
January 27, 2006.

**BACKGROUND:**

The Division of Boating and Ocean Recreation ("DOBOR") presented Agenda Item J-2 at the Board of Land and Natural Resources ("the Board") meeting on January 27, 2006. The Hilton Hawaiian Village, LLC requested that the State of Hawaii enter into a Joint Use Agreement and related grants of easement and permits to allow for construction of certain improvements to Dewey Lane. Representatives of the Hilton Hawaiian Village, LLC, testified in support of the proposed action. Representatives of the Association of Owners of the Ilikai Apartment Building and other witnesses testified in opposition to the proposed action, but did not expressly request a contested case hearing on the matter. Agenda Item J-2 was approved by the Board at that meeting. On February 6, 2006, DOBOR received a written request for a Contested Case Hearing. The written petition was sent by Mr. Alan Cambra, President of the Association of Owners of the Ilikai Apartment Building, on behalf of the Association and an individual Ilikai Apartment Owner, Mr. David Perrigo. This Petition was supplemented by letter from Mr. Cambra dated February 9, 2006 and received by the Board on February 10, 2006. On February 10, 2006, Peter Starn, Esq., attorney for the Hilton Hawaiian Village, LLC, submitted a letter in opposition to the request for contested case hearing.

## **AUTHORITY FOR DESIGNATING HEARING OFFICERS:**

Hawaii Administrative Rules (HAR), Chapter 13-1, Section 13-1-32 (d) provides that the Board may conduct the Contested Case Hearing, or at its discretion, may appoint a hearing officer to conduct the hearing. HAR Section 13-1-29 (a) provides that, "The time for making an oral or written request and submitting a formal written request may be waived by the board upon a showing of good cause".

Additionally, Hawaii Revised Statutes (HRS), Sections 92-16 and 171-6 also provide that

The Board may delegate to the Chairperson the authority to select the hearing officer to conduct the Contested Case Hearing.

## **BASIS FOR DESIGNATED HEARINGS OFFICERS:**

Conducting a contested case hearing may involve giving notice of hearings, administering oaths, compelling attendance of witnesses and the production of documentary evidence, examining witnesses, certifying acts, issuing subpoenas, making rules, receiving evidence, holding conferences and hearings, fixing filing deadlines, and disposing of other matters that may arise during the orderly and just conduct of the hearing. History suggests designating a Hearing Officer to perform these actions may provide a more expeditious resolution in the case than having the full Board conduct the hearing.

## **DISCUSSION:**

Staff notes HAR, Section 13-1-31 (3) notes, "All persons who have some property interest in the land, who lawfully reside on the land, who are adjacent property owners, or who otherwise can demonstrate that they will be directly and immediately affected by the proposed change that their interest in the proceeding is clearly distinguishable from the general public shall be admitted as parties upon timely application." Staff notes the Petitioners are adjacent property owners.

Staff notes the petitioners failed to make an oral request for a Contested Case Hearing by the close of the Board meeting at which the matter was scheduled for disposition, as required under HAR, Section 13-1-29 (a). However, the petitioners did file written petitions with the Board, not more than ten days after the close of the Board meeting. Staff notes that the Board has the discretion to waive the petitions' failure to make the oral request. Should the Board agree to waive the petitioners' failure to make the oral request, staff notes that a Hearing Officer should be appointed.

Staff notes that, by designating a Hearing Officer to conduct the hearing, the Board does not relinquish its authority to ultimately decide on the matters being contested. As indicated above, the determinations of standing have not yet been made. Staff believes that the preliminary hearing on the standing should also be conducted by the Hearing Officer rather, than the full Board. After the Hearing Officer conducts the preliminary hearing on standing, the Board would

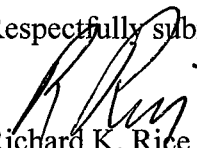
still retain its discretion in issuing Orders on this matter of standing. Further, should standing be granted, at the conclusion of the case, the Board would act with its own discretion on the Hearing Officer's Finding of Fact, Conclusion of Law, and decision of Order.

Staff therefore recommends,

**RECOMMENDATION:**

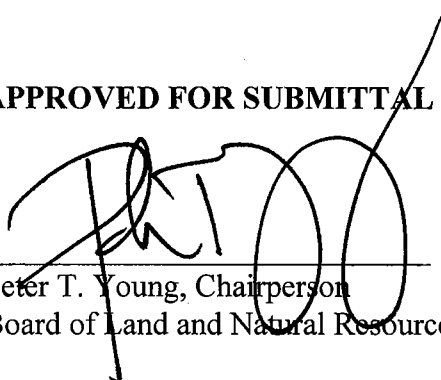
- 1) That the Board waive the Petitioners' failure to make an oral request for a Contested Case Hearing by the close of the Board meeting at which the matter was scheduled for disposition;
- 2) That the Board authorize the appointment of a Hearings Officer for BORCCH-06-02 and let that Hearing Officer conduct all hearings relevant to the subject petition for a Contested Case Hearing, and,
- 3) That the Board delegate the authority for selection of the Hearing Officer to the Chairperson.

Respectfully submitted,

  
Richard K. Rice  
Administrator

Attachments

**APPROVED FOR SUBMITTAL**

  
Peter T. Young, Chairperson  
Board of Land and Natural Resources



RECEIVED

Owners of Ilikai Apartment Building, Inc.

1777 Ala Moana Blvd., Suite 218 • Honolulu, HI 96815 • Ph. 942-1828 • Fax: 942-2003

2006 FEB -6 AM 11:50

DEPT. OF LAND  
& NATURAL RESOURCES  
STATE OF HAWAII

February 6, 2006

**Via Hand Delivery.**  
**Certified Mail/Return Receipt Requested**  
**And First Class Mail**

Mr. Peter T. Young, Chairperson  
and Members  
Board of Land and Natural Resources  
State of Hawaii  
1151 Punchbowl Street  
Honolulu, HI 96813

**Re: Request for a Contested Case Hearing  
in connection with Item J-2 on Agenda  
for BLNR Board Meeting held January 27, 2006**

Dear Chairperson and Members:

The following is being sent on behalf of the Association of Owners of the Ilikai Apartment Building ("Association") and individual Ilikai apartment owner David Perrigo (\*Perrigo"), and pursuant to HAR §13-1-29 and other applicable rules of the Board of Land and Natural Resources (BLNR), a request is hereby made for a hearing on a contested matter involving Item J-2 on the BLNR's January 27, 2006 Agenda, to-wit:

Entry into Joint Use Agreement with Hilton Hawaiian Village LLC, Waikiki, Oahu, Tax Map Key Numbers: (1) 2-6-009:002 and 010, (1) 2-6-010-007 (por.) Public Right of Way as shown on Map 4 of Land Court Consolidation 64.

- (1) **The legal authority under which the proceeding, hearing or action is to be held or made;**

Section 91-9, Hawaii Revised Statutes (Contested cases)  
Section 171-13, Hawaii Revised Statutes (Disposition of public lands)

(2) **The petitioner's interest that may be affected;**

Petitioner Association and its members are owners of the abutting property on the Ewa side of Dewey Lane. Petitioner Perrigo is a member of the Association and the fee simple owner of one of the apartments in the Ilikai Apartment Building. The property interests of both Petitioners will be adversely affected by the Dewey Lane improvements contemplated by Hilton and facilitated by Joint Use Agreement.

(3) **The disagreement, denial, or grievance which is being contested by the petitioner;**

For the reasons set forth below, the BLNR's approval of the Joint Use Agreement is being contested as being at best, premature, and at worst, detrimental to the interests of the Petitioners.

(4) **The basic facts and issues raised**

Hilton Hawaiian Village LLC ("Hilton") requested that the State of Hawaii enter into a Joint Use Agreement and related grants of easement and permits to allow for the construction of certain improvements to Dewey Lane.

By approving Hilton's request, the BLNR will be allowing Hilton to proceed to expand Dewey Lane from a service road to a two-lane street from Ala Wai Harbor to Ala Moana Boulevard.

First of all, the use of Dewey Lane as proposed by Hilton violates the Dewey Lane easement which was granted to the State of Hawaii by the Ilikai to be used as **only for public right of way and public roadway purposes** to the beach. The Dewey Lane easement **was not granted to the State of Hawaii to be converted into a two-lane street to primarily service the Hilton Hawaiian Village complex, which is clearly the intent of the proposed Joint Use Agreement.** In addition, the easement rights granted to the State by the Ilikai made no mention of being used jointly with other parties such as Hilton for their benefit. To circumvent this problem, Hilton has proposed an Alternative 2 to the Joint Use Agreement, which Hilton claims may be done without the joinder of the Ilikai Association of apartment Owners. As set forth above, the Ilikai does not believe that the Alternative 2 Agreement complies with the terms of the easement

granted to the State by the Ilikai, since the primary beneficiary of easement will now be the Hilton as opposed to the public.

Second, Hilton is concurrently working on the creation of a new subdivision at the corner of the expanded Dewey Lane and Ala Moana Boulevard. In order to justify the creation of a ***third intersection within a short distance of the two existing intersections on Ala Moana Boulevard*** (note that there currently exists intersections at Ala Moana Boulevard and Hobron Lane and Ala Moana Boulevard and Kalia Road), Hilton has submitted traffic studies to the State Department of Transportation. Attached are two letters to the State Department of Transportation from the Ilikai's traffic consultant raising multiple problems with the Hilton Traffic study.

The expansion of Dewey Lane and the creation of a new intersection at the corner of Ala Moana Boulevard and the expanded Dewey Lane must be considered in tandem. *Allowing Hilton to proceed with the proposed Dewey Lane improvements with no final resolution of traffic concerns, especially as they relate to the as-yet to be approved intersection at Ala Moana Boulevard and the expanded Dewey Lane, would clearly be premature.* If the intersection is not approved by the appropriate State and County agencies, traffic studies may dictate that enlargement of Dewey Lane as proposed is not feasible.

Third, your staff report on Item J-2 is premised in part upon incorrect information. The report states in pertinent part that "Hilton has attempted, without success, to obtain the joinder and consent of the Ilikai Association of Apartment Owners to Alternative 1 for the Dewey Lane Improvements." Nothing could be further from the truth. Hilton has never approached the Ilikai Board of Directors for joinder or consent to what is referred to as Alternative 1. Alternative 1 has never been formally presented the Association. Further, whenever the Association has requested additional information from the Hilton to evaluate its requests, Hilton has repeatedly chosen to disregard the Association's request.

Fourth, the Association has legitimate concerns about the proposed expanded Dewey Lane and Ala Moana Boulevard intersection, because it poses health and safety threats to the vehicles exiting the Ilikai unto Ala Moana Boulevard. These concerns have never been adequately addressed.

Chairperson and Members,  
Board of Land and Natural  
Resources  
February 6, 2006  
Page 4

**(5) The relief to which the party or petitioner seeks or deems itself entitled.**

Petitioners ask that the BLNR reconsider its approval of the Joint Use Agreement and table the request until such time as issues relating to the as-yet to be approved intersection at Ala Moana Boulevard are decided. Allowing the Dewey Lane improvements to proceed is premature without a final decision by other State and County agencies with respect to the Ala Moana Boulevard intersection. If the intersection is not approved by the appropriate State and County agencies, traffic studies may dictate that enlargement of Dewey Lane as proposed is not feasible.

Within your applicable rules and regulations, we ask that the BLNR act favorably on our request for the holding of a contested case hearing on the above-referenced matter.

Should there be any questions, do not hesitate in contacting me.

Sincerely,



Alan Cambra  
President  
Association of Apartment Owners  
Of the Ilikai Apartment Building



David Perrigo  
INDIVIDUAL APARTMENT OWNER

cc. Department of Transportation  
C/o Mr. Rodney Haraga, Director  
Department of Planning & Permitting  
C/o Mr. Henry Eng, Director



Owners of Ilikai Apartment Building, Inc.  
1777 Ala Moana Blvd., Suite 218 • Honolulu, HI 96815 • Ph. 942-1828 • Fax: 942-2443

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DEPT. OF LAND  
& NATURAL RESOURCES  
STATE OF HAWAII

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February 9, 2006

**Via Hand Delivery**  
**Certified Mail/Return Receipt Requested**  
**And First Class Mail**

Mr. Peter T. Young, Chairperson  
and Members  
Board of Land and Natural Resources  
State of Hawaii  
1151 Punchbowl Street  
Honolulu, HI 96813

LAND/TRANS. DIV.  
DEPARTMENT OF  
ATTORNEY GENERAL  
2006 FEB 14 P 1:33

**Re: Supplement to Request for a Contested Case Hearing  
in connection with Item J-2 on Agenda  
for BLNR Board Meeting held January 27, 2006**

Dear Chairperson and Members:

The following is being sent on behalf of the Association of Owners of the Ilikai Apartment Building ("Association") and individual Ilikai apartment owner David Perrigo (\*Perrigo\*), to supplement our initial Request for a Contested Case Hearing delivered to you on Monday, February 6, 2006. The attachments referenced in the last sentence of Second on page 3 of the Request for Contested Case Hearing references two letters sent to the State Department of Transportation from the Ilikai's traffic consultant, Overland Consultant's, Inc., raising multiple problems with the Hilton Traffic study. The two letters were inadvertently omitted when the initial Request for a Contested Case Hearing was delivered to you. Enclosed are the two letters.



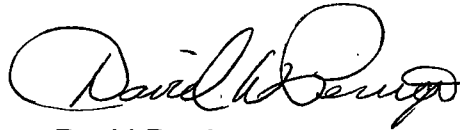
Chairperson and Members,  
Board of Land and Natural  
Resources  
February 9, 2006  
Page 2

Should there be any questions, do not hesitate in contacting us.

Sincerely,



Alan Cambra  
President  
Association of Apartment Owners  
Of the Ilikai Apartment Building



David Perrigo  
Individual Apartment Owner  
Ilikai Apartment Building

Enclosures

cc. Department of Transportation  
C/o Mr. Rodney Haraga, Director  
Department of Planning & Permitting  
C/o Mr. Henry Eng, Director

Overland Traffic Consultants  
27201 Tourney Road # 206  
Santa Clarita, CA 91355  
Phone: (661) 799 - 8423  
Cell: (310) 930 - 3303  
Fax: (661) 799 - 8456  
E-mail: OTC@overlandtraffic.com

December 1, 2005

Department of Transportation  
Mr. Rodney Haraga  
Director  
AliiAIMoku Building  
869 Punchbowl Street, No.509  
Honolulu, Hawaii 96813

LAND/TRANS. DIV.  
DEPARTMENT OF  
ATTORNEY GENERAL  
2006 FEB 14 P 1:331

RE: Traffic Study for Planned Hilton Hawaiian Village Waikikian Project

Dear Mr. Haraga,

We have completed a second review of the technical studies prepared by the Hilton Hawaiian Village. It is our opinion that the most recent study "Responses to the State DOT Comments" provided by the Hilton Hawaiian Village for the Waikikian Tower project is incomplete and does not fully address our initial concerns summarized in the letters to your office and the City of Honolulu dated October 17, 2005 (attached).

On the basis of the information provided, we do not agree with the findings that a new traffic signal at Ala Moana Boulevard and Dewey Lane will not have a significant impact on traffic flow. A new traffic signal at this location will have a significant and long lasting traffic impact on the Ilikai Hotel and access to the greater Waikiki area.

The required traffic mitigation for the Hilton Hawaiian Village should only include widening of Ala Moana Boulevard between Dewey Lane and Kalia Road, coordinating the existing traffic signals, and increasing the left-turn storage on Ala Moana Boulevard at Kalia Road and at Hobron Lane. The proposed Rainbow Drive connection to Dewey Lane and the proposed traffic signal should not be approved by the State of Hawaii.

It is important to note that Appendix A, Dewey Lane Reconstruction Plan, was not included in the Response to State DOT Comments report we received. This plan is needed to determine the impact of the expanded roadway on the Ilikai Waikiki Hotel access and loading area.

Mr. Rodney Haraga  
December 1, 2005  
Page 2

Below we have provided our comments to the Hilton responses to the State DOT. The State Comments and the Hilton responses are also provided for reference.

State DOT Comment:

1. The original traffic study conducted by Wilbur Smith and Associates in 2001 recommended that "further detailed analysis will be required to determine the full extent of the proposed Dewey Lane signal on progression efficiency and operations of the signal network." The study intersections should be analyzed as a system using a microscopic simulation model and not as individual, standalone intersections.

Hilton Response:

An analysis using a micro simulation model is presented in APPENDIX B of this document (i.e., Responses to State DOT Comments, October 28, 2005).

Our Comment:

The simulation model prepared for the response to comments is incomplete. The model runs only include an analysis of the traffic mitigation measures assuming a new traffic signal at Dewey Lane and Ala Moana Boulevard. Additional model runs with the recommended traffic mitigation measures are needed to evaluate the effectiveness of the measures without the new traffic signal (i.e., Dewey Lane right-turn in and right-turn out access). All the previous environmental studies for the Waikikian project have included access alternatives for Dewey Lane: the original May 30, 2001 traffic study, the Final Report dated October 30, 2001 and the July 2005 update. The simulation study needs to be consistent with the prior environmental studies.

Time-space progression diagrams with and without the proposed Dewey Lane traffic signal are necessary to evaluate the proposed traffic signals impact on Ala Moana Boulevard progression with the traffic mitigation. The recommended traffic mitigation measures (i.e., Ala Moana Boulevard lane additions, increased left-turn storage bays,

Mr. Rodney Haraga  
December 1, 2005  
Page 3

optimized signal timing, reduced cycle lengths and Rainbow Drive connection) should be included as base conditions for both the with and without traffic signal scenarios to fully understand the impact of the new traffic signal and full intersection at Dewey Lane.

State DOT Comment:

2. The study intersections were analyzed using procedures described in the Highway Capacity Manual (HCM). HCM methodology does not take into account the potential impact of downstream congestion (restrained volumes) on traffic operations. Nor does the methodology detect and adjust for the impacts of turn pocket overflows on through traffic and intersection operations. If these conditions occur, the analysis is not directly applicable.

Previous observations of the area indicate high levels of congestions with long queues along Ala Moana Boulevard in both directions. During peak periods, queues were previously observed in the Diamond Head bound direction from Kalia Road to Hobron Lane and in the Ewa bound direction from Hobron Lane to Kalia Road. If the blockage of through traffic is occurring, the analysis has grossly underreported the level-of-service and delays. The report needs to include a section on "observations of traffic conditions" by the traffic engineer conducting the study. That is required to verify the traffic analysis results.

Hilton Response:

Although the HCM methodology does not account for the effects from other intersections, it will determine if the laneage provided at a signalized intersection is adequate. The impacts cited in your comments will be included in the micro simulation analysis in APPENDIX B of this document. At the time counts were taken in the summer of 2004, the high levels of congestion were not evident and blockage of through traffic did not occur. However, we are aware of previous conditions that

Mr. Rodney Haraga  
December 1, 2005  
Page 4

included the queuing and blockages that you described. The micro simulation report in APPENDIX B includes a section on field observations made during the week that traffic counts were taken.

Our Comment:

As stated on page 23 of the Hilton report, LOS E is defined as "freedom to maneuver within the traffic stream is extremely difficult, with driver frustration being generally high." The statement that high levels of congestion were not evident during the summer of 2004 counts is not consistent with the existing delay analysis presented in Tables 6 – 8 that indicate operating conditions at LOS E or F during several existing periods surveyed.

The HCM method evaluates lane utilization and LOS of an intersection based on the traffic count of the volume passing through an intersection. When intersections operate at LOS E and F conditions the latent traffic demand is not included in the traffic count, thereby underreporting actual conditions.

State DOT Comment:

3. Volume/capacity ratios, average delay/vehicle, and level-of-service for the overall intersection may not give a true indication of the project traffic impacts. Does the project cause any impact to specific turning movements? Graphically, the level-of-service for each lane group should be shown in conjunction with the assumed lineages. Also, please provide the traffic analysis worksheets.

Hilton Response:

The project impact to specific turning movements (expressed in vehicles per hour during peak hours) is shown in Figures 1 through 7 of the July 2005 report. Figures showing the laneage and level-of-service for each lane group and the traffic analysis worksheets are attached in Appendix D of this document.

Mr. Rodney Haraga  
December 1, 2005  
Page 5

Our Comment:

General comment: We believe the estimated traffic impact and traffic volume utilizing a full Dewey Lane intersection is underreported in the Waikikian technical studies. Logic says that given a choice, a much larger percentage of exiting and entering Hilton traffic would choose Dewey Lane rather than pass through congested intersections such as Ala Moana Boulevard and Kalia Road, and Kalia Road and Rainbow Drive.

State DOT Comment:

4. On page 8, the study states "a fourth Diamond Head bound lane is proposed along Ala Moana Boulevard, from Hobron Lane to Kalia Road." The rationale for this is "the fourth lane is that would be used to alleviate the blockage of through traffic at existing bus stop near Hobron Lane." Does the analysis account for this existing condition?

Hilton Response:

This existing condition is modeled in the micro simulation model, including the behavior of those drivers that choose to proceed to Kalia Road in the right-turn lane and then block the flow of right-turning traffic to merge into the through lane.

Our Comment:

How has this merging behavior of drivers been accounted for in the model?

The rationale for the fourth lane is to provide additional storage between intersections for eastbound traffic because the Ala Moana Boulevard progression is poor and to provide additional intersection capacity at Kalia Road.

A bus bay should be added on Ala Moana Boulevard at Dewey Lane to fully realize the benefits of the added eastbound lane. Furthermore, the proposed lane

Mr. Rodney Haraga  
December 1, 2005  
Page 6

transitions from 3 – 4 lanes do not comply with the industry standards adopted by the Manual on Uniform Traffic Control Devices (MUTCD).

State DOT Comment:

5. Is there enough space in the median to provide the proposed additional Diamond Head bound lane? What will become of the roadway lighting?

Hilton Response:

The requested information, based on our topographic survey of Ala Moana Boulevard, is shown in APPENDIX E of this document. The lighting will be relocated as required.

Our Comment:

No additional comments.

State DOT Comment:

6. A traffic signal warrant analysis is needed before any signalization of the proposed Ala Moana Boulevard and Dewey Lane can be considered. The investigation of the need for a traffic signal shall include an analysis of the applicable factors contained in the latest edition of the Manual on Uniform Traffic Control Devices (MUTCD) and other factors related to existing operation at the study location.

Hilton Response:

A traffic signal warrant analysis is attached in APPENDIX C of this document. However, because the proposed intersection improvements will add left turn movements to the intersection as well as accommodate a proposed development project, the projected volumes will be used in lieu of counted volumes at the intersection.

Mr. Rodney Haraga  
December 1, 2005  
Page 7

Our Comment:

No additional comments.

State DOT Comment:

7. If the traffic signal is warranted, please provide the proposed new signal phase and coordination timing. The new signal should be coordinated with adjacent signals. Please check that the traffic analysis accounts for the fact that the timing for pedestrian use of the proposed signalized crosswalk may be in excess of 30 seconds.

Hilton Response:

The micro simulation analysis in APPENDIX B provides the proposed signal phase and coordination timing parameters. The phase timing will provide sufficient time for pedestrian crossings.

Our Comment:

The proposed signal coordination plan with reduced cycle lengths is questionable as is the assumed pedestrian crossing time allocated at Ala Moana Boulevard and Kalia Road due to the added protected pedestrian crossing of the dual right-turn lanes.

The determination that the traffic mitigation and rerouting of traffic reduces overall system delay is dependent on the agencies accepting the proposed coordination plan which favors eastbound progression over westbound flows. As previously stated, model runs without the new traffic signal with the roadway and coordination improvements should be conducted to determine the overall system improvements with out left-turn access at Dewey Lane. These model runs may show a larger system benefit from the traffic mitigation rather than just offsetting the impact of the proposed new traffic signal.



Mr. Rodney Haraga  
December 1, 2005  
Page 8

Installing the recommended traffic mitigation does not preclude installing the Dewey Lane traffic signal at a future time when the actual effectiveness of the mitigation and rerouting of traffic can be measured. It certainly seems more prudent to separate traffic mitigation measures from the traffic signal at this time.

State DOT Comment:

8. We have concerns about the proposed use of "resort-type" signage on Ala Moana Boulevard. Signage directing traffic to a "for-profit" entity will not be allowed within the State Highway right-of-way.

Hilton Response:

We will work with the State DOT to determine appropriate signage.

Our Comment:

If a full intersection is approved, the signage would likely direct more traffic to Dewey Lane which further supports our opinion that the estimated traffic impact and traffic volume using Dewey Lane is low.

State DOT Comment:

9. On page 10, the report states that "a new safe pedestrian crossing of Ala Moana Boulevard" will be constructed. What is the basis for using the term "safe" as pedestrian crossing is not allowed now?

Hilton Response:

Although pedestrian crossing is not presently allowed, pedestrians have been observed jaywalking across Ala Moana Boulevard at various locations between Hobron Lane and Kalia Road. These actions are viewed in our opinion as not "safe" and the proposed crossing at a traffic signal is expected to mitigate the jaywalking. The project will also create better opportunities for pedestrian safety at the Dewey

Mr. Rodney Haraga  
December 1, 2005  
Page 9

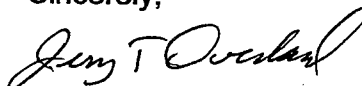
Lane intersection area and provide pedestrian access from Ala Moana Boulevard to the proposed Lagoon and existing beach walkway systems.

Our Comment:

Not only are pedestrian crossings not allowed, a chain link fence in the median does not permit pedestrian crossing of Ala Moana Boulevard between Hobron Lane and Kalia Road.

Please call me if you have any questions regarding our comments to the responses.

Sincerely,



Jerry T. Overland

Cc: Mr. Alan Cambra, President Ilikai Association ✓

Overland Traffic Consultants  
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Santa Clarita, CA 91381  
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E-mail: OTC@overlandtraffic.com

October 17, 2005

Department of Transportation  
Mr. Rodney Haraga  
Director  
AliiAIMoku Building  
869 Punchbowl Street, No.509  
Honolulu, Hawaii 96813

2005 FEB 14 P 1:33  
LAND/TRANS. DIV.  
DEPARTMENT OF  
ATTORNEY GENERAL

RE: Traffic Study for Planned Hilton Hawaiian Village Waikikian Project

Dear Mr. Haraga,

In June 2005, the Ilikai notified the City and State of their opposition to the proposed modifications to Ala Moana Boulevard and Dewey Lane associated with the Waikikian project (attached memo to Mr. Henry Eng, Director of the Department of Planning & Permitting of the City and County of Honolulu dated June 17, 2005). On behalf of the Ilikai, we have reviewed the traffic studies and the preliminary street improvement plans prepared for the Waikikian project. Based on our review of these documents and our field observations of the traffic flow within the study area, we have prepared the following comments:

Study Approach - Currently all the traffic studies for the Waikikian project include a proposed Rainbow Drive connection to Dewey Lane that would provide access to the entire Hilton Hawaiian Village. The project's traffic impact study needs to include a scenario that shows the impact of the Waikikian project without a Rainbow Drive connection to Dewey Lane. The traffic flow simulation study being prepared by the Hilton Hawaiian Village should consist of a minimum of three (3) roadway scenarios and include an analysis of special events for each scenario:

1. Base Scenario: Waikikian Tower project with existing Ala Moana Boulevard conditions and no Rainbow Drive connection to Dewey Lane.
2. Dewey Lane Scenario: Base Scenario with Rainbow Drive connection to Dewey Lane.
3. Full Intersection Scenario: New Ala Moana Boulevard and Dewey Lane intersection with Waikikian Tower and Rainbow Drive connection to Dewey Lane.

Mr. Rodney Haraga  
October 17, 2005  
Page 2

Signal Progression Analysis - The existing gridlock conditions and spacing of traffic signals on Ala Moana Boulevard warrants a before and after traffic signal progression study prior to approving a new traffic signal at Dewey Lane. The progression analysis should include time space diagrams illustrating the progression bandwidths using realistic signal control parameters, average vehicle queue lengths and pedestrian activity levels on Ala Moana Boulevard between Hobron Lane and Kalia Road/Ena Road.

Safe access to Ala Moana Boulevard from the Ilikai is currently provided. However, this would change with a new signalized intersection and afternoon gridlock conditions. A new multi-phase signal at the intersection of Ala Moana Boulevard and Dewey Lane will create vehicle queues that will block Ilikai access to Ala Moana Boulevard and Dewey Lane.

Design Process - The selected design for access to the Waikikian Tower project should include close coordination with the Ilikai, City and State to minimize all adverse traffic impacts. The location of the Ilikai access and loading areas are potentially adversely impacted by any changes to Dewey Lane and its connection to Ala Moana Boulevard. The Waikikian concept roadway plans provided in the July 25, 2005 Traffic Impact Analysis Update raises serious design issues, including inadequate lane transitions, location of transit facilities, intersection sight-distance requirements, left-turn vehicle storage lengths, pedestrian controls across dual right turn lanes at Kalia Road, and most importantly, maintaining adequate access to and from the Ilikai.

Environmental Approval - The ongoing piece meal analysis of the Hilton Hawaiian Village development does not provide a true picture of the project's cumulative traffic impacts (i.e., Kalia Tower, Lagoon Tower and the Waikikian projects). Separately each tower may not have a significant impact on traffic but as the current afternoon gridlock clearly shows, the cumulative traffic impacts have had a significant effect on traffic flow at the intersections of Kalia Road/Ala Moana Boulevard, and Rainbow Drive/Kalia Road. The inclusion of the Rainbow Drive connection to Dewey Lane

Mr. Rodney Haraga  
October 17, 2005  
Page 3

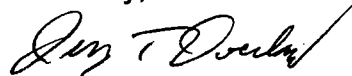
demonstrates that cumulative traffic impacts by the Hilton Hawaiian Village have occurred without adequate traffic mitigation.

If the intent of the proposed roadway connection is to serve the entire Hilton Hawaiian Village, the roadway link should be analyzed as a mitigating measure for the cumulative impacts of past, current and future Hilton projects. Therefore, it is our opinion that the Rainbow Drive connection to Dewey Lane should not be considered a part of the Waikikian project description but as a potential mitigation measure.

Constructing a back door access to the Hilton Hawaiian Village via Dewey Lane as a means of providing more access capacity for continuing expansion of the Hilton Hawaiian Village should not be allowed without full disclosure of all the impacts to the Ilikai. In the absence of assurances by the Hilton and the State that access to Dewey Lane would be limited, it is conceivable that Dewey Lane with the Ala Mona Boulevard traffic signal could be used as a second main access. As stated in the Wilbur Smith Associates May 30, 2001 study (page S-9), "The extension of Rainbow Drive to connect to Dewey Lane could have a substantial effect on traffic operations and conditions during special events at the Hilton Hawaiian Village that attract a large number of Honolulu residents. Over time, many residents will become aware of Dewey Lane as a "back way" into the Hilton Hawaiian Village."

Please call me if you have any questions regarding our concerns.

Sincerely,



Jerry T. Overland

Cc: Mr. Alan Cambra, President Ilikai Association  
Mr. Henry Eng, Department of Planning and Permitting,  
City and County of Honolulu